REMARKS

The Rejection under 35 U.S.C. §103

The Final rejection of claims 1-3, 9-12, 14-18 and 20-24 under 35 U.S.C. §103, as being obvious over Ho (U.S. Patent No. 5,805,298) in view of Tiller (U.S. Patent No. 5,568,563), is respectfully traversed.

Applicants reiterate their position that the references fail to disclose a method for establishing e-mail communication and sending e-mail through a PSTN "without the need of being connected to the Internet" and urge reconsideration of the rejection.

In the "Response to Arguments" part of the Final action, the Examiner disagrees with applicants' argument that there is no suggestion from the references (either Ho or Tiller) that there is a direct PPP connection through the PSTN between sender and receiver. However, as established, Ho requires use of the internet, thus, it clearly cannot suggest a direct PPP connection through the PSTN between sender and receiver. The Final action alleges that Tiller establishes that such a connection can be made without the need of the internet. But there is no basis in Tiller to support that it does not use the internet as the source for the email received in the Tiller method. As discussed further below, one of ordinary skill in the art could only assume that the term e-mail in Tiller refers to e-mails sent via the internet, unless there is some indication to the contrary. Further, Tiller discusses nothing regarding a sending function. Thus, it suggests nothing regarding sending e-mail through a PSTN "without the need of being connected to the Internet."

In the "Response to Arguments" part of the Final action, it is alleged that applicants argued there is no suggestion to modify/combine the references. However, applicants never made an argument that the references are not combinable. Applicants' position is that neither reference teaches a method for establishing e-mail communication and sending e-mail through a PSTN "without the need of being connected to the Internet." Since neither reference teaches such element of the claimed invention, the combination of the references obviously cannot teach such element.

In the "Response to Arguments" part of the Final action, it is alleged that "Applicants are interpreting the claims very narrow without considering the broad teaching of the reference used in the rejection." But no explanation is provided as to what aspect of the invention applicants are interpreting too narrowly or what part of the reference applicants are not interpreting broadly enough. Clarification of this statement is urged. Applicants submit that they are not interpreting the claimed invention too narrowly. The claims unequivocally require establishing e-mail communication and sending e-mail through a PSTN without the need of being connected to the Internet. The claims do not need to be interpreted any more narrowly than this because even the broadest teachings of the references do not suggest such a method.

Because applicants believe that the Response to Arguments section of the Final action does not refute applicants' arguments for nonobviousness, applicants urge detailed reconsideration of the following additional points.

As has been established and agreed, Ho fails to disclose a method for establishing e-mail communication and sending e-mail through a PSTN "without the need of being connected to the Internet." In fact, Ho requires use of the Internet [see Fig. 1, box 112] to perform email

communication between two devices or users [Fig. 1, box 100, box 104, box 105]. See also, col. 3, lines 43-47 and 61-63, of Ho stating that a "Router typically transmits and receives electronic mail messages" and that "Remote Mail Servers, seen at 110-111, each implement electronic mail boxes of the type seen at 104-105 to receive electronic mail messages." In describing the functioning of the device, Ho states that upon identifying an email address "the communications device establishes a SLIP/PPP connection with the Router 107." As shown in Fig. 1, the Router and Remote Mail Servers are entities connected to the Internet. Figure 3 of Ho further shows that an email [box 304] is sent via the Internet [box 312]. Thus, not only does Ho not teach such a method conducted without the need of the Internet, Ho specifically requires use of the Internet for its method and there would need to be a strong suggestion to modify Ho to eliminate Internet use for its method. Such a modification would be directly contrary to Ho's teachings and, thus, clearly not suggested to one of ordinary skill in the art.

Tiller is alleged to disclose the idea of providing e-mail communication over the PSTN without the need of being connected to the Internet; citing Abstract and col. 7, lines 20-25. But Tiller does not expressly indicate that its method is absent use of the internet. Tiller does not actually mention use of the internet either way. But, there is no suggestion from the reference that there is a direct PPP connection through the PSTN between sender and receiver without the use of the Internet. Tiller is directed merely to a receiver device in their system, particularly a personal communications device (apparently of the type now exemplified by a Blackberry). Tiller is directed to an "option attach connector" for such device. This "option attach connector" is used to determine whether incoming signals are from telephone, fax or email (modem); see, e.g., col. 3, line 40, to col. 4, line 2. Tiller discloses nothing regarding a sender device. Thus,

Tiller, like Ho, provides no disclosure or suggestion of "establishing e-mail communication between a sender device and a receiver device which both have access to the Public Switched Telephone Network, without the need of being connected to the Internet" or "establishing a data link, and point-to-point (PPP) connection between the sender and receiver devices." Since Tiller does not indicate how the signal that is received at the "option attach connector" – when it is an email signal – is sent, the only reasonable interpretation of Tiller is that the e-mail was sent via the Internet. In the absence of an indication otherwise, one of ordinary skill in the art could only assume that the term e-mail in Tiller refers to e-mails sent via the internet, unless there is some indication to the contrary. The drawings, e.g., Figs. 5, and disclosure of Tiller only discuss the receiver device. There is no discussion of the sender device. Since the standard understanding in the art is that an e-mail is sent via the internet – unless indicated otherwise – the only reasonable interpretation of Tiller's reference to e-mail is that it is e-mail sent through the internet.

In any event, Tiller does not suggest establishing e-mail communication and sending e-mail through a PSTN "without the need of being connected to the Internet." Tiller does not disclose any details about the sending of the e-mail, it only addresses the receiver device and does not make any suggestion about any particular manner in which the sent to the receiver.

Accordingly, applicants urge that Tiller fails to address the established deficiencies of Ho to teach or suggest the claimed invention. Tiller, like Ho, provides no suggestion of a method/system for email communication between sender and receiver devices using the PSTN without need of the Internet.

The combined teachings of Ho and Tiller provide no suggestion of modifying the methods/systems taught therein so as to provide email communication exclusively between two

users or devices using the PSTN without need of the Internet. As known by one of ordinary skill in the art, transmission via the Internet is inherently insecure because data is not routed directly between the sender and the recipient. It is known that data sent through the Internet can be intercepted and recorded by servers in countries which do not maintain relevant privacy laws. The present invention offers a more secure method of sending email, the advantages of which could not have been expected in view of Ho and Tiller. Other advantages of the claimed invention are discussed, for example, at page 6, line 18, to page 7, line 9, and elsewhere in the disclosure. There is no incentive to arrive at the present invention or achieve the advantages thereof in view of Ho and Tiller. The references give no hint to direct PSTN emailing and no solution to the problem of providing secure transmission of data between two parties.

For all of the above reasons, it is urged that the combined teachings of the references fail to provide a supportable basis for an obviousness rejection of the claims and the rejection under 35 U.S.C. §103 should be withdrawn.

It is submitted that the application is in condition for allowance. But the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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